

Message Text

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ACTION EB-08

INFO OCT-01 IO-13 ISO-00 AF-08 ARA-06 EA-07 EUR-12

NEA-10 OIC-02 STRE-00 AGRE-00 CEA-01 CIAE-00

COME-00 DODE-00 FRB-03 H-01 INR-07 INT-05 L-03

LAB-04 NSAE-00 NSC-05 PA-01 AID-05 SS-15 STR-04

ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 FEAE-00

OMB-01 /132 W

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P R 241815Z MAR 77

FM USDEL MTN GENEVA

TO SECSTATE WASHDC PRIORITY 2350

INFO ALL OECD CAPITALS 181

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PASS AGRICULTURE AND STR ELECTRONICALLY

H PASS CODEL

E.O. 11652: N/A

TAGS: ETRD, MTN, EAGR, EEC

SUBJECT: U.S.-EC CONSULTATIONS ON AGRICULTURAL NOTIFICATIONS

REF: MTN GENEVA 2169

1. ON MARCH 17 AND 18, THE U.S. AND THE EC HELD CONSULTATIONS ON THEIR RESPECTIVE NOTIFICATIONS UNDER MTN GROUP AGRICULTURE PROCEDURES. THIS IS THE SECOND OF TWO CABLES REPORTING ON THOSE CONSULTATIONS AND DEALS WITH THE U.S. NOTIFICATIONS AGAINST THE EC AND THE EC MEMBER STATES. (SEE REFTTEL FOR CONSULTATION ON EC NOTIFICATION AGAINST THEU.S.)

2. U.S. NOTIFICATION AGAINST THE EC: U.S. DEL (KOENIG) BEGAN THE DISCUSSION BY EXPLAINING THAT THE U.S. NOTIFICATIONS SHOULD NOT BE CONSTRUED AS AN ATTACK ON THE CAP; THAT THE NOTIFICATIONS
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WERE INTENDED TO INDICATE AREAS OF U.S. INTERWT AND IN SOME CASES TO SEEK CLARIFICATION ON MEASURES APPLIED BY THE EC.

A. FRESH PORK (CXT 02.01 AIII A), POULTRY MEAT (CXT 02.02), EGGS (CXT 04.05 AIA, 04.05 BIA1, 04.05 BIB) AND EGG ALBUMIN (CXT 35.02) -- DISCUSSION OF ABOVE ITEMS FOCUSED PRIMARILY ON THE VARIABLE LEVY SYSTEMS APPLYING TO THOSE PRODUCTS. U.S. DEL ASKED HOW THE EC COULD JUSTIFY APPLYING TO ALL IMPORTS OF

POUNTRY AND EGG PRODUCTS A SINGLE "GATE" PRICES (THE EC'S PRE-TENDED ESTIMATES OF "FAIR COSTS" OF PRODUCTION IN THIRD COUNTRIES) IN VIEW OF VASTLY DIFFERENT COSTS OF PRODUCTION THROUGHOUT THE WORLD. U.S. DEL ALSO PRESSED EC ON WHY IT APPLIES THE SAME SUPPLEMENTARY LEVY TO ALL PRODUCTS FROM A PARTICULAR COUNTRY REGARDLESS OF WHETHER SOME OF THE PRODUCTS MEET THE GATE PRICE. EC COMMISSION POULTRY EXPERT (VAN AGTMAAL) DESCRIBED AT LENGTH THE OPERATION OF THE EC LEVY/GATE PRICE SYSTEM FOR POULTRY AND EGGS AND EXPLAINED THAT TO ESTABLISH SEPARATE GATE PRICES FOR EACH SUPPLYING COUNTRY AND TO DISTINGUISH BETWEEN INDIVIDUAL SHIPMENTS FROM A GIVEN COUNTRY WOULD BE TOO COMPLICATED. EC DEL INDICATED CAP PREFERENCE FOR A UNIFORM TRADING SYSTEM WHICH APPLIES EQUALLY TO ALL FOREIGN SUPPLIERS. U.S. DEL THEN NOTED THAT APART FROM THE HEIGHT OF THE LEVY THERE IS THE UNCERTAINTY EFFECT RESULTING FROM FREQUENT CHANGES IN THE LEVEL OF THE LEVY AND ASKED WHY LEVY COULD NOT BE PREFIXED. EC DEL REPLIED THAT BASIC LEVIES AND GATE PRICES ARE FIXED FOR THREE MONTHS (OR SOMETIMES LONGER) AND THAT SUPPLEMENTARY LEVIES IN FACT DO NOT CHANGE TOO FREQUENTLY OR BY VERY MUCH (SIC). PREFIXING THE SUPPLEMENTARY LEVY WOULD NOT GIVE EC PRODUCERS SUFFICIENT PROTECTION. U.S. EXPLAINED THAT IT HAS A CONSIDERABLE EXPORT INTEREST IN A NUMBER OF POULTRY PRODUCTS SUCH AS TURKEY AND TURKEY PARTS AND CERTAIN CHICKEN PRODUCTS. THERE IS ALSO A STRONG EXPORT INTEREST IN ALBUMINATES. MOREOVER, THERE EXISTS IN THE COMMUNITY POTENTIAL DEMAND FOR CERTAIN U.S. EGG PRODUCTS. THE U.S. DEL WONDERED WHETHER THE EC IMPORT SYSTEM FOR ONE OR THE OTHER OF THE PRODUCTS MENTIONED COULD NOT BE MODIFIED SO AS TO AFFORD MORE STABLE TERMS OF ACCESS. THE EC DEL REPLIED THAT THIS WOULD BE CONTRARY TO THE EXISTING CAP LIMITED OFFICIAL USE

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REGULATIONS.

B. ORANGES (CXT 08.02 A). LEMONS (CXT 08.02), TALBE GRAPES (CXT 08.04 AI), APPLES (CXT 08.06 A) -- THE U.S. DEL REFERRED TO THE SYSTEM OF REFERENCE PRICES WHICH APPLY TO THESE PRODUCTS. HE POINTED OUT THAT IN THE COMMUNITY FOREIGN PRODUCTS (EVEN HIGH PRICED U.S. PRODUCTS) ARE SUSCEPTIBLE TO COUNTERVAILING CHARGES IF THEIR PRICE ON CERTAIN INTERNAL EC MARKETS FALLS BELOW THE REFERENCE PRICE. HE NOTED THAT WHILE THE REFERENCE PRICE SYSTEM DOES NOT INCLUDE A MINIMUM IMPORT PRICE, ITS EFFECTS ARE SIMILAR. HE ALSO INQUIRED ABOUT RECENT MODIFICATIONS IN THIS SYSTEM. THE EC DEL EXPLAINED THAT THE RECENT MODIFICATION OF THE REFERENCE PRICE SYSTEM WAS INTENDED TO COUNTERACT ATTEMPTS BY CERTAIN MEDITERRANEAN SUPPLIERS TO PREVENT THE REFERENCE PRICE SYSTEM FROM BEING APPLIED. SINCE PREVIOUSLY THREE CONSECUTIVE DAYS HAD TO ELAPSE BEFORE PRODUCTS OFFERED BELOW THE REFERENCE PRICE WERE CHANGED WITH COUNTERVAILING DUTIES, IMPORTERS TRIED TO VARY THEIR OFFER PRICES ON A DAY TO DAY BASIS FROM ABOVE TO BELOW THE REFERENCE PRICE AND BETWEEN DIFFERENT MARKETS IN ORDER TO AVOID COUNTERVAILING CHARGES.

THIS IS NO LONGER POSSIBLE. ALSO THE EC DEL POINTED OUT THAT THE REFERENCE PRICES FOR THE PRODUCTS IN QUESTION GENERALLY DO NOT APPLY DURING PERIODS WHEN THE DUTIES ARE BOUND. HE ALSO NOTED THAT COUNTERVAILING CHARGES HAVE NEVER BEEN APPLIED TO IMPORTS OF FRUITS AND VEGETABLES FROM THE U.S.

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PASS AGRICULTURE AND STR ELECTRONICALLY

H PASS CODEL

C. SEED CORN (CXT 10.05 A) -- U.S. DEL QUERIED EC WHETHER THE REFERENCE PRICE ON SEED CORN AND THE POSSIBILITY OF APPLYING A COUNTERVAILING CHARGE IS CONSISTENT WITH EC GATT BINDING. EC DEL REPLIED THAT THE DUTY WHICH IS BOUND AT 4 PERCENT HAS BEEN UNILATERALLY SUSPENDED AT ZERO. IN CASE THE REFERENCE PRICE WERE NOT OBSERVED, THE EC COULD ADD A COUNTERVAILING CHARGE OF UP TO 4 PERCENT WITHOUT VIOLATING THE BINDING.

D. SEEDS FOR PLANTING (CXT 12.03) -- U.S. DEL SAID THAT EC'S TECHNICAL NORMS FOR SEEDS AND THE EC'S COMPULSORY CERTIFICATION PROGRAM HAVE THE EFFECT OF A TRADE BARRIER. HE SAID THIS IS A CASE WHICH MIGHT BE DEALT WITH UNDER THE STANDARDS CODE. EC DEL BRIEFLY DESCRIBED ITS SEED CERTIFICATION PROGRAM. HE POINTED OUT THAT INSPECTION OF CERTAIN SEEDS BY U.S. INSPECTION AGENCIES HAVE BEEN RECOGNIZED AS BEING EQUIVALENT TO EC INSPECTION. U.S. DEL ACKNOWLEDGED THIS FACT BUT EXPLAINED THAT THIS SOLVES ONLY PART OF ACCESS PROBLEM FOR U.S. SEEDS TO EC

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MARKET. EC DEL STATED THAT EC IS WELL AWARE OF U.S. TRADE INTERESTS AND IS CLOSELY FOLLOWING THIS ISSUE.

E. LARD AND PIGFAT (CXT 15.01 A) -- THE DISCUSSION OF THIS ITEM WAS BRIEF WITH U.S. DEL STRESSING U.S. INTEREST IN REGAINING THE LOST UK MARKET AND EC DEL TAKING NOTE OF U.S. INTEREST.

F. FROZEN RED TART CHERRIES (CXT 20.02) AND CANNED FRUIT (CXT 20.06 B) -- BOTH DELEGATIONS AGREED THAT THIS SUBJECT HAS BEEN THOROUGHLY DISCUSSED IN THE PAST BUT U.S. DEL WONDERED WHETHER IT WOULD BE POSSIBLE TO INCORPORATE THE SUGAR-ADDED LEVY INTO THE FIXED DUTY. EC DEL RESPONDED THAT THE LEVY IS STABLE AND CHANGES ONLY QUARTERLY (AND SOMETIMES LESS FREQUENTLY). U.S. DEL POINTED OUT THAT ONE OF THE RESTRICTIVE EFFECTS OF THIS SYSTEM IS NOT THE VARIATION IN THE SUGAR-ADDED LEVY BUT THE DIFFICULTY IN ASSESSING THE CONTENT OF ADDED SUGAR IN A GIVEN SHIPMENT OF CANNED FRUIT. THE SUGAR-ADDED CONTENT MIGHT VARY AMONG THE DIFFERENT LOTS OF THE SAME SHIPMENT. THE METHODS USED TO ESTABLISH THE SUGAR-ADDED CONTENT ARE NOT PRECISE. U.S. DEL EXPRESSED ALSO CONCERN OVER THE FACT THAT ON THE BASIS OF A DECISION BY THE EUROPEAN SUPREME COURT, CANNED FRUITS ARE CONSIDERED TO HAVE SUGAR ADDED IF THE NATURAL SUGAR CONTENT EXCEEDS A GIVEN LEVEL EVEN THOUGH NO SUGAR HAS IN FACT BEEN ADDED. THE EC DEL STATED THAT EC IN PAST HAS REJECTED U.S. REQUESTS FOR CONVERSION OF SUGAR-ADDED LEVY INTO A FIXED DUTY AND ADDED THAT IF THE EC WERE TO DO SO THIRD COUNTRY SUPPLIERS MIGHT LOSE THE BENEFIT OF A LOWER IMPORT CHARGE WHEN, BECAUSE OF THE LEVEL OF WORLD MARKET PRICES FOR SUGAR-, THE SUGAR-ADDED LEVY IS LOW OR ZERO.

C. EDIBLE PROTEINS AND PROTEIN ISOLATES (CXT 21.07 F1A1 AND 35.04) -- U.S. DEL INQUIRED ABOUT THE CLASSIFICATION OF THESE PRODUCTS AND EXPRESSED U.S. DESIRE THAT PROTEIN CONCENTRATES WHICH HAD BEEN DUTIED AT 8 PERCENT UNDER BTN 35.04 ALSO BE DUTIED AT 8 PERCENT IF SUBJECT TO BTN 21.07, AND NOT 20 PERCENT. EC DEL RESPONDED THAT AS A RESULT OF U.S. COMPLAINT IT HAS UNDERTAKEN AN INQUIRY AMONG THE MEMBER STATES TO DETERMINE THE VALIDITY OF THE U.S. CLAIM THAT PROTEIN CONCENTRATES WERE ALLOWED ENTRY IN BTN 35.04 BEFORE THE CUSTOMS COOPERATION

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COUNCIL HAD REVISED THE EXPLANATORY NOTES FOR THAT HEADING. HE SAID THAT ALTHOUGH THE EC INQUIRY IS NOT COMPLETED, THE PRELIMINARY FINDINGS ARE THAT BTN 35.04 WAS "NOT GENERALLY APPLIED" TO THOSE PRODUCTS BEFORE THE CCC ACTION. HE ADMITTED THAT SINCE ABASKET CATEGORY WAS INVOLVED, IT WAS DIFFICULT TO DETERMINE PRECISELY HOW MEMBER STATES HAD TREATED THESE

PRODUCTS PRIOR TO THE CCC DECISION.

H. UNMANUFACTURED TOBACCO (CXT 24.01) -- U.S. DEL
REITERATED WELL-KNOWN U.S. CONCERN ABOUT THE EC'S TAX
HARMONIZATION PLAN. EC DEL SAID HE WOULD TAKE NOTE OF U.S.
NOTIFICATION BUT ASSURED US THAT BRUSSELS IS ALREADY WELL
AWARE OF U.S. INTEREST IN THIS MATTER.

I. WINE (CXT 22.05) -- U.S. DEL NOTED THAT THE U.S. AND EC
HAVE BEEN HOLDING SEPARATE BILATERAL CONSULTATIONS ON PROBLEMS
INVOLVING WINE REGULATIONS IN BOTH MARKETS. HE EXPRESSED HOPE
THAT THE VARIOUS PROBLEMS CAN BE RESOLVED IN THAT BILATERAL
CONTEXT BUT SAID U.S. WANTED TO EMPHASIZE THROUGH THIS
NOTIFICATION ITS STRONG INTEREST IN WINE. AFTER LISTENING TO
TECHNICAL EXPLANATIONS BY EC WINE EXPERT (REICHARDT), U.S. DEL
POINTED OUT THAT AT PRESENT U.S. WINES ARE ADMITTED IN THE EC
UNDER EXCEPTIONAL CONDITIONS AND THAT IT WOULD BE DESIRABLE
THAT THE TERMS OF ACCESS BE MORE EQUITABLE.

3. U.S. NOTIFICATIONS AGAINST THE EC MEMBER STATES: CONSULTATIONS
ON NOTIFICATIONS AGAINST MEMBER STATES WERE RELATIVELY BRIEF
AND CONSISTED FOR THE MOST PART OF CONFIRMING OR CLARIFYING U.S.
INFORMATION, AND UNDERLINING U.S. INTERESTS. IN CONTRAST TO
JACQUOT'S OFTEN DOUBTFUL ATTITUDE, THE MEMBER STATES' INTERVENTIONS
CONTRIBUTED MIGHTILY TO THE AMICABLE SPIRIT IN WHICH THE
CONSULTATIONS WERE CONDUCTED.

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CIAE-00 COME-00 DODE-00 FRB-03 H-01 INR-07 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 SS-15
STR-04 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01
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A. FRANCE

-- HORSEMEAT (CXT 02.01 AI): FRENCH SPOKESMAN (ELMANOVSKY) DENIED THAT FRANCE MAINTAINS A QUOTA ON HORSEMEAT (EVEN AFTER U.S. DEL OBSERVED WE HAVE INFORMATION TO THE CONTRARY), SAYING IT WAS LIBERALIZED IN 1971. HE SAID FRANCE HAD INADVERTENTLY NOT NOTIFIED ITS REMOVAL TO THE GATT, BUT WOULD BE DOING SO.

-- POULTRY MEAT (CXT 02.02): EC DEL TOOK NOTE OF U.S. NOTIFICATION ADMITTING HE WAS UNAWARE OF ARGUMENT CONCERNING THE CONTRADICTION BETWEEN FRENCH HEALTH REGULATIONS AND FRENCH IMPORTS OF U.S. POULTRY LIVER.

-- ICEBERG LETTUCE (CXT 07.01 D): THE FRENCH SPOKESMAN CONFIRMED U.S. INFORMATION CONCERNING QUOTA AND SAID THIS IS ONE OF THE RESIDUAL QR'S WHICH ARE MAINTAINED FOR SOCIAL AND ECONOMIC REASONS. IN REPLY TO QUESTION, EC DEL SAID HE WAS UNSURE UNDER WHICH GATT ARTICLE FRANCE JUSTIFIES THIS LIMITED OFFICIAL USE

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RESTRICTION.

-- DRIED POTATO PRODUCTS (CXT 07.04 B): FRENCH SPOKESMAN CONFIRMED PROHIBITION BUT SAID IT IS HOPED IT CAN BE RELAXED WITH THE ADOPTION OF A CAP FOR POTATOES.

-- TABLE GRAPES (CXT 08.04 AI): THE FRENCH SPOKESMAN CONFIRMED U.S. INFORMATION ON THE SEASONAL RESTRICTION BUT SAID THAT TOTAL EC IMPORTS FROM THE U.S. ARE MINIMAL AND THIS ITEM IS PARTICULARLY SENSITIVE POLITICALLY IN FRANCE.

-- DRIED PRUNES (CXT 08.12 C): THE FRENCH SPOKESMAN ASSURED US THAT THIS PRODUCT WILL BE LIBERALIZED AS OF JANUARY 1, 1978, AND THE QUOTA WILL BE REPLACED BY A LICENSING AND DEPOSIT SCHEME.

-- CANNED PINEAPPLES (CXT 20.06 B VARIOUS): FRENCH SPOKESMAN STATED THAT ALTHOUGH THIS ITEM WAS SCHEDULED TO BE LIBERALIZED JUNE 1, 1976, IT IN FACT WAS NOT LIBERALIZED UNTIL OCTOBER 1, 1976.

-- CITRUS JUICES (CXT 20.07 VARIOUS): THE FRENCH SPOKESMAN STATED THAT RESTRICTIONS ON THESE ITEMS HAD BEEN ABOLISHED SOME TIME AGO.

-- TOBACCO (CXT 24.01): EC DEL TOOK NOTE OF U.S. INTEREST IN THE EFFECTS OF STATE -CONTROLLED TOBACCO RETAILING.

B. BELGIUM/LUXEMBOURG

-- TABLE GRAPES (CXT 08.04 AI): THE BELGIAN SPOKESMAN (VAN DE PETTE) TOOK NOTE OF OUR INTEREST IN THIS ITEM BUT SAID THAT THIS IS AN ESPECIALLY DIFFICULT AREA FOR BELGIUM TO LIBERALIZE BECAUSE OF THE LARGE NUMBER OF SMALL PRODUCERS.

C. GERMANY

-- FLOUR, MEAL, AND FLAKES OF POTATO (CXT 11.05): GERMAN SPOKESMAN (PFEIFER) SAID THAT THE QUOTA ON FLAKES OF

POTATO IS NO LONGER APPLIED. U.S. DEL EXPRESSED HOPE THAT THE REMAINING RESTRICTIONS APPLYING TO POTATO PRODUCTS COULD ALSO BE ABOLISHED.

D. IRELAND

-- ORANGE JUICE (CXT 20.07 VARIOUS): IRISH DEL (BUTLER)

SAID THAT THE DISCRETIONARY LICENSING SYSTEM WAS REMOVED WHEN CAP REGULATION 1972/75 WAS IMPLEMENTED.

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E. ITALY

-- FRESH GRAPEFRUIT (CXT 08.02D): THE ITALIAN DEL

(GEORGIERI) NOTED U.S. CONCERN ABOUT THE RESTRICTIONS APPLIED FOR PHYTOSANITARY REASONS AND POINTED OUT THAT IMPORTS ARE NOW ALLOWED IN THROUGH MOST IF NOT ALL OF THE MAIN ITALIAN PORTS. NOT JUST THE FOUR MENTIONED BY THE U.S.

-- CITRUS JUICES OTHER THAN GRAPEFRUIT (CXT 20.07

VARIOUS) AND ESSENTIAL OILS OF ORANGE AND LEMON (CXT 33.01 AI AND 33.01 BI); DISCUSSION OF THESE ITEMS WAS BRIEF WITH U.S. DEL NOTING KEEN INTEREST OF U.S. EXPORTERS IN THE REMOVAL OF ITALY'S LICENSING RESTRICTIONS. EC DEL SIMPLY TOOK NOTE OF U.S. INTEREST. CULBERT

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Message Attributes

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Copy: SINGLE
Sent Date: 24-Mar-1977 12:00:00 am
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